

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE

DATE 12 July ( .07.2004)

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APP. NO. (if known):  
Not Yet Assigned

INTERNATIONAL APPLICATION NO.:  
PCT/EP03/00242

INTERNATIONAL FILING DATE:  
13 January 2003 (13.01.2003)

PRIORITY DATE CLAIMED:  
15 January 2002 (15.01.2002) EP  
22 March 2002 (22.03.2002) EP

TITLE OF INVENTION: **PANTOPRAZOLE CYCLODEXTRIN INCLUSION COMPLEXES**

APPLICANT(S) FOR DO/EO/US: GIORDANO, Ferdinando; MARZOCCHI, Lucia; MOYANO, Jose, Ramon.; ROSSI, Alessandra

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 USC 371(f) The submission must include items(5), (6), (9) and (21) indicated below.
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)):
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A English translation of the International Application as filed (35 U.S.C. 371(c)(2).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) as provided in the PCT Request.
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825
18. ☐ A second copy of the published international application under 35 USC 154(d)(4)
19. ☐ A second copy of the English language translation of the international application under 35 USC 154(d)(4)
20. ☒ Other items or information:  
APPLICATION DATA SHEET; TRANSMITTAL FORM; FEE CALCULATION; INTERNATIONAL PUBLICATION WO 03/059393 A1 WITH INTERNATIONAL PUBLICATION DATE OF 24 July 2003 WITH SEARCH REPORT WHICH CONSISTS OF 13 PAGES INCLUDING 1 COVER SHEET CONTAINING THE ABSTRACT; 11 PAGES TEXTUAL SPECIFICATION, 1 PAGE OF 10 CLAIMS, 0 SHEETS DRAWINGS; **PRELIMINARY AMENDMENT WITH ATTACHMENTS A & B TO BE EXAMINED**; PCT REQUEST WITH INVENTORS' SIGNATURES; PCT/IPEA/409 INTERNATIONAL PRELIMINARY EXAMINATION REPORT; PCT/IB/304 TRANSMITTAL OF PRIORITY DOCUMENT/PCT/IB/308 NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES; PCT/IB/332 INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION.

ATTORNEY'S DOCKET NO: 26177

U.S. APPLICATION NO. (if known) not yet assigned <b>107501295</b>	INTERNATIONAL APPLICATION NO. PCT/EP03/00242	DATE <u>12</u> July 2004 ( .07.2004)
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17. <u>x</u> The following fees are submitted:  <b>Basic National Fee (37 CFR 1.492(a)(1)-(5):</b> Search Report has been prepared by the EPO or JPO:.....\$920.00  International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$730.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$770.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1080.00  International preliminary examination fee (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) IPEA-U.S.....\$ 100.00  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>	<u>CALCULATIONS</u>  \$ 920.00        \$ 920.00	<u>PTO USE ONLY</u>
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Surcharge of \$130.00 for furnishing the oath or declaration later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$	
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CLAIMS	NO. FILED	NO. EXTRA	RATE		
TOTAL	14 -20 =	0	X \$ 18.00	\$	.00
INDEPENDENT	2 - 3 =	0	X \$ 84.00	\$	.00
Multiple dependent claims(s) (if applicable)			+ \$280.00	\$	0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	920.00
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$	0.00
<b>SUBTOTAL =</b>				\$	.00
Processing fee of \$130.00 for furnishing the English translation later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	0.00
<b>TOTAL NATIONAL FEE =</b>				\$	920.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	0.00
<b>TOTAL FEES ENCLOSED =</b>				\$	920.00
				Amount to be:	
				refunded	\$
				charged	\$

ATTORNEY'S DOCKET NO: 26177

U.S. APPLICATION NO. (if known) not yet assigned <b>10/301295</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP03/00242</b>	DATE: <b>12</b> July 2004 ( .07.2004)
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a. ☒ One check in the amount of \$ 920.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 14-0112 in the amount of \$\_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.

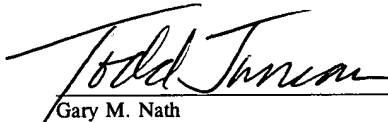
d. Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form. ☐ Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Todd L. Juneau  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/501295

In re Application of:

GIORDANO et al.

DT04 Rec'd PCT/PTO 12 JUL 2004

International Application No. PCT/EP03/00242

Serial No. NOT YET ASSIGNED

International Filing Date: 13 January 2002 (13.01.2002)

Filed: July, 2004

For: **PANTOPRAZOLE CYCLODEXTRIN INCLUSION COMPLEXES**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

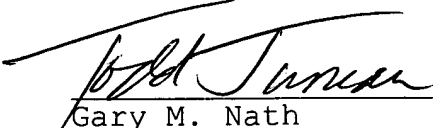
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Application Data Sheet;
- (3) Transmittal Letter To U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (4) International Publication No: 03/059393 A1  
International Publication Date: 24 July 2003  
(24.07.2003) with Search Report which consists of 13 pages including:
  - 1 cover sheet containing the Abstract,
  - 11 pages Textual Specification,
  - 1 pages of 10 claims,
  - 0 sheets of Drawings;
- (5) **Preliminary Amendment with Attachment A & B to be examined;**
- (6) PCT Request with Inventors' signatures;
- (7) PCT/IPEA/409 International Preliminary Examination Report;
- (8) PCT/IB/304 Transmittal of Priority document;
- (9) PCT/IB/308 Notice informing the Applicant of the Communication of the International Application to the Designated Offices;
- (10) PCT/IB/332 Information concerning elected Offices Notified of Their Election;
- (11) Check No. 21320 \$ 920.00 for Government Filing Fee;
- (12) Postcard for early notification of serial number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

  
Gary M. Nath  
Registration No. 26,965  
Todd L. Juneau  
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Date: July 12, 2004  
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